

PRISON LAW OFFICE
DONALD SPECTER-83925
SARA NORMAN-189536
1917 Fifth Street
Berkeley, California 94710-1916
Telephone: (510) 280-2621
Facsimile: (510) 280-2704

BINGHAM McCUTCHEN
WARREN E. GEORGE-53588
Three Embarcadero Center
San Francisco, California 94111-4066
Telephone: (415) 393-2000
Facsimile: (415) 393-2286

DISABILITY RIGHTS EDUCATION &
DEFENSE FUND, INC.
LINDA KILB-136101
2212 6th Street
Berkeley, California 94710
Telephone: (510) 644-2555
Facsimile: (510) 841-8645

ROSEN, BIEN & GALVAN, LLP
MICHAEL W. BIEN-096891
ERNEST GALVAN-196065
GAY CROSTHWAIT GRUNFELD-121944
315 Montgomery Street, Tenth Floor
San Francisco, California 94104
Telephone: (415) 433-6830
Facsimile: (415) 433-7104

JONES DAY
CAROLINE MITCHELL-143124
555 California St., 25th Floor
San Francisco, CA 94104
Telephone: (415) 875-5712
Facsimile: (415) 680-2344

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

JOHN ARMSTRONG, et al.,

Plaintiffs,

v.

ARNOLD SCHWARZENEGGER, et al.,

Defendants

Case No. C94 2307 CW

**STIPULATION AND ORDER
EXTENDING TIME IN WHICH
PLAINTIFFS MAY MOVE TO COMPEL
CERTAIN DISPUTED ATTORNEYS'
FEES AND COSTS INCURRED IN 2008**

1 On March 26, 1997, the District Court established procedures by which plaintiffs are to
 2 collect periodic attorneys' fees and costs in this case in connection with their work monitoring
 3 defendants' compliance with the Court's Orders and collecting fees (the 'Periodic Fees Order').

4 Pursuant to the Periodic Fees Order, certain fees and costs remain in dispute from the
 5 third and fourth quarters of 2008. The parties completed their meet and confer on the disputed
 6 items regarding the Division of Adult Parole Operations on March 27, 2009, and on the
 7 disputed items regarding the California Department of Corrections and Rehabilitation, Adult
 8 Operations and Adult Programs and Board of Parole Hearings, on April 6, 2009, but some
 9 issues remain in dispute.

10 WHEREAS, pursuant to the Periodic Fees Order, motions to compel disputed fees are
 11 generally due sixty (60) days after the completion of the fourth quarter meet and confer; and

12 WHEREAS, Defendants have filed an appeal to the Ninth Circuit Court of Appeals,
 13 Docket No. 07-17342, regarding this Court's Denial of Reconsideration with respect to a
 14 Motion to Enforce the September 11, 2007 Enforcement Order (the 'BPH appeal'), which is still
 15 pending; and

16 WHEREAS, Plaintiffs have incurred and claimed certain fees and costs as a result of the
 17 BPH appeal, which Defendants dispute; and

18 WHEREAS, the Motion to Compel 2008 disputed fees and costs for the Division of
 19 Adult Parole Operations Costs is currently due to be filed on or about May 26, 2009, while the
 20 Board of Parole Hearings and Adult Operations and Adult Programs Motion to Compel 2008
 21 Disputed Fees and Costs is due to be filed on or about June 5, 2009; and

22 WHEREAS, the parties seek to resolve their differences in the most efficient manner
 23 possible and reduce the burden on the Court;

24 NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED AS FOLLOWS:

25 1. All disputes regarding 2008 fees and costs incurred by Plaintiffs with regard to
 26 the BPH appeal shall be held in abeyance and all deadlines on motions to compel these fees
 27 and costs shall be tolled and not run until sixty (60) days after the Ninth Circuit issues the
 28 mandate in the BPH appeal; and

2. All motions to compel regarding 2008 disputed fees and costs incurred by Plaintiffs except those incurred for the BPH appeal shall be due to be filed on or before June 5, 2009.

Dated: May 19, 2009

ROSEN, BIEN & GALVAN, LLP

By: /s/ Gay Crosthwait Grunfeld
Gay Crosthwait Grunfeld
Attorneys for Plaintiffs

Dated: May 19, 2009

By: /s/ Jay Russell
Jay Russell
Attorneys for Defendants

IT IS SO ORDERED:

5/21

Dated: _____ 2009



The Honorable Claudia Wilken
United States District Judge